S.B.CRIMINAL MISC. BAIL APPLICATION NO.5209/2007
(Moolaram & Anr. vs. State of Rajasthan)

DATE OF ORDER : November 13, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sumer Dan, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.Sandeep Mehta, for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel appearing for the complainant. Perused the order impugned and the police investigation diary. I have gone through the statement of the injured.

Learned Public Prosecutor and the counsel for the first informant submit that no role has been assigned to petitioner No.1 Moolaram.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to petitioner No.1 Moolaram.

Accordingly, the bail application filed by petitioner No.1 Moolaram under section 438 Cr.P.C. is allowed and it is directed

that in the event of arrest of petitioner No.1 Moolaram s/o Talasaaji in CR. No.203/2007, Police Station, Sanchore, Distt. Jalore, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

Petitioner No.1 Moolaram shall surrender before the trial court on the date of filing of the challan.

So far as petitioner No.2 Krishan is concerned, he has actively participated in the alleged crime and has specifically been named by the injured.

Keeping in view the statement of the injured alleging the

petitioner No.2 Krishan causing injury, I do not find it a fit case to grant anticipatory bail to petitioner No.2 Krishan.

The bail application filed by petitioner No.2 Krishan under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-